

REMARKS

Upon entry of the above amendment, new claims 49-76 will be pending in the application, claims 1-48 having been canceled. The amendment replaces the previously pending set of claims with new claims directed to methods of treating autism with D-cycloserine and related compounds. Support for the new claims can be found throughout the specification. For example, support for new claims 49 and 50 can be found, e.g., at page 2, lines 8-14, lines 16-18, and line 28 through page 3, line 3. Further support can be found at page 8, lines 19-22; and page 9, lines 23-25. Support for new claims 51 and 54 can be found, e.g., at page 10, lines 1-5. Support for new claims 52 and 53 can be found, e.g., at page 10, lines 11-22. Support for new claims 55-62 and 66-73 can be found, e.g., at page 3, lines 12-17. Support for new claims 63-65 and 74-76 can be found, e.g., at page 11, lines 1-4.

The new claims are similar to but differ in scope from claims issued in the priority applications U.S.S.N. 10/196,686 (now U.S. Patent No. 6,667,297 (B2)) (see, e.g., issued claims 1 and 12) and U.S.S.N. 09/291,296 (now Reexamined U.S. Patent No. 6,228,875 (B1, C1); hereafter the '875 patent) (see, e.g., new claims 85 and 86 issued in the reexamination certificate).

Cancellation of claims 1-48 of the instant application is not an admission that the claims are unpatentable and particularly not for the reasons stated by the examiner in the Office action dated July 26, 2004. Applicants have decided to cancel these claims because the coverage of similar subject matter in the '875 patent (see, e.g., claims 60-84 issued in the reexamination certificate) is sufficient for Applicants' present interests. Because claims covering generally the same subject matter of both (a) the newly presented claims and (b) canceled claims 1-48 were examined together in a single group without a restriction requirement in the '875 patent, Applicants request that the Examiner enter the claim amendment and reconsider the application.

In view of the amendment, the Examiner's rejection of claims 1-48 under 35 U.S.C. §103 is moot.

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Enclosed is a check for \$510 for a three-month Petition for Extension of Time. Please apply any other charges or credits to Deposit Account 06-1050 referencing Attorney Docket Number 13785-745005.

Respectfully submitted,

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